



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10**

1200 Sixth Avenue, Suite 900  
Seattle, Washington 98101-3140

DEC 12 2014

OFFICE OF  
COMPLIANCE AND ENFORCEMENT

Reply to: OCE-133

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

**NOTICE OF VIOLATION AND REQUEST FOR INFORMATION**

Mr. Jeff Backlund  
North Pacific Seafoods, Inc.  
4 Nickerson, Suite 400  
Seattle, Washington 98109

Re: July 16, 2014, NPDES Compliance Inspection  
NPDES ID Number AKG520112

Dear Mr. Backlund:

On behalf of the United States Environmental Protection Agency (EPA), I would like to express my appreciation for your time and cooperation during the July 16, 2014, federal Clean Water Act inspection of your Pederson Point facility in Naknek, Alaska. The purpose of the inspection was to gather information regarding your operation as part of an overall and ongoing evaluation of the compliance status of your facility with the Clean Water Act and the Seafood General Permit. During the inspection, EPA found the following violations:

**Bypass and Grind Size:** Part V.C.1.b of the Seafood General Permit states "A permittee shall route all seafood processing wastes through a waste conveyance and treatment system. The waste solids discharged from its outfall(s) shall not exceed one-half (0.5) inch in any dimension."

During the inspection, the inspector noted that on July 12 and July 15, 2014, the facility reported bypasses of the grinder and waste conveyance system. According to the noncompliance reports provided to the EPA inspector, the bypasses included 100 and 50 pounds of seafood processing waste, respectively. In addition, at the time of the inspection, the facility's sump tank was overflowing. EPA observed seafood waste larger than one-half inch along the shoreline, around the sump tank, and on the beach. Seafood waste was also observed flowing from the facility to Kvichak Bay.

Failure to route all seafood processing waste through a waste conveyance and treatment system and failure to grind waste to one-half inch are violations of Part V.C.1.b of the Seafood General Permit.

**Residues on Shoreline:** Part V.C.1.j of the Permit states "a permittee shall not discharge seafood sludge, deposits, debris, scum, floating solids, oily wastes or foam which alone or in combination with other substances...cause a scum, emulsion, sludge or solid to be deposited on the adjoining shorelines."

As discussed above, at the time of the inspection, the facility's sump tank was overflowing. This overflow resulted in seafood waste deposited along the shoreline, beach, and under the dock. EPA

observed waste in an area under the dock estimated to be 20 feet by 40 feet, and approximately 100 feet of waste was present along the shoreline and beach. Similar conditions were observed during the EPA inspection in 2006, and during the Alaska Department of Environmental Conservation inspection in 2008. These recurring violations are a matter of significant concern. North Pacific Seafoods must take immediate corrective actions to prevent the unauthorized overflow and deposit of seafood waste.

The presence of the seafood waste along the shoreline, beach, and under the dock is a violation of Part V.C.1.j of the Permit.

The following areas of concern were also noted during the inspection:

**Seafood sampling port:** Part V.C.1.e of the Permit requires permittees to conduct a daily inspection of the grinder system during the processing season to confirm that the grinders are operating and reducing the size of the seafood residues to one-half inch or less.

During the EPA inspection, the facility representative collected an effluent sample from the sample port located beneath the facility dock, which produced a milky liquid containing sandy material. This sample did not appear to be representative of the effluent in the facility's waste conveyance system. Typically, seafood processing effluent is reddish in color and does not contain sandy material. Collecting an unrepresentative sample precludes the facility from confirming that the grinders are operating properly and reducing the seafood waste to one-half inch or less.

**Sanitary Wastewater:** Part V.C.1.g of the Permit states "permittees shall route all sanitary wastes through a sanitary waste treatment system. Nonfunctioning systems and undersized systems are prohibited. Sanitary wastes must be...treated prior to discharge to meet the secondary treatment limitations for both biochemical oxygen demand (BOD<sub>5</sub>) and total suspended solids (TSS), which are 60 mg/L daily maximum, 45 weekly average, and 30 mg/l monthly average..."

At the time of the inspection, one of the facility's 6,500 gallon settling tanks was leaking sanitary wastewater onto the wooden platform under the tank. Kvichak Bay is located 500 feet away from the leaking settling tank. EPA urges you to take corrective action to prevent the unauthorized discharge of sanitary wastewater from these tanks into Kvichak Bay.

## **INFORMATION REQUESTED**

As a result of these violations and deficiencies, EPA requests that North Pacific Seafoods, Inc. submit copies of the following for its Pederson Point facility:

1. APDES Annual Reports from 2010 through 2013, as required by Part VI.B of the Seafood General Permit;
2. Monitoring logs from 2010 through 2014 for the grinder, waste conveyance system, sea surface, and shoreline, as required by Parts V.C.1.d, V.C.1.e and VI.D. of the Seafood General Permit;
3. All noncompliance reports from 2010 through 2014, as required by Parts V.C.1.e and VII.C of the Seafood General Permit;

4. The current Best Management Practices Plan, including a facility sketch, as required by Part VI.A of the Seafood General Permit;
5. Sampling records and monitoring logs for the sanitary wastewater system, as required by Parts V.C.1.g and VII.A of the Permit; and
6. Fish tickets for 2010 through 2014, as required by the State of Alaska Department of Fish and Game.

This information must be submitted to EPA within forty-five (45) days of receipt of this letter. This information is requested pursuant to Section 308 of the Clean Water Act, 33 U.S.C. § 1318. The information requested above shall be signed and certified in accordance with the requirements of Part IX.E.4 of the Permit and submitted to the following address:

Tara Martich  
U.S. Environmental Protection Agency, AOO  
222 W. 7<sup>th</sup> Avenue #19  
Anchorage, AK 99513

Failure to provide all information requested in this letter, failure to adequately explain the basis for such failure, or making any false material statement or representation in response to this Request for Information constitutes a violation of Section 308 of the Clean Water Act, 33 U.S.C. § 1308, and may result in an enforcement action and the imposition of civil and/or criminal penalties or fines pursuant to Section 309 of the Clean Water Act, 33 U.S.C. § 1319, and Title 18 of the United States Code, 18 U.S.C. § 1001.

It is EPA's goal to ensure that facilities comply fully with their permits, but the ultimate responsibility rests with the facility. As such, we urge North Pacific Seafoods Inc., to take the steps necessary to address these violations and concerns and to ensure that all other aspects of your operation are conducted in accordance with all applicable federal, state, and local requirements. Notwithstanding your response to this Notice of Violation and Request for Information, EPA retains all rights to pursue enforcement actions to address these and any other violations.

If you have any questions or concerns regarding this matter, please contact Tara Martich, NPDES Compliance Officer, at (907) 271-6323.

Sincerely,

  
Edward J. Kowalski, for  
Director

cc: Mike Solter  
Alaska Department of Environmental Conservation